

many more agencies who are now designated for inspection only could also provide official weighing service. Designated agencies can provide Class X and Class Y weighing at a much lower cost than FGIS field offices due to their proximity to the grain facilities.

FGIS initially did not allow agencies to provide both types of service because confusion may have resulted on the part of the grain industry and agency licensees on which type of service the agency was providing.

FGIS has reevaluated this policy because of the distinct differences in the services. Primary differences between official and unofficial weighing are: (1) Official weighing requires an officially tested scale; (2) FGIS has established procedures to maintain proper operation and accurate weighing; (3) FGIS provides an official grain weight certificate certifying the accuracy of weighing. This rule continues to separate official and unofficial weighing service by not allowing agencies to provide both types of service at the same facility.

This rule does not change the requirements for inspection services. FGIS proposes to change only the weighing provisions of the regulations.

We are publishing this rule without a prior proposal because we regularly update the regulations and view this action as noncontroversial and anticipate no adverse public comment. This rule will be effective, as published in this document, 60 days after the date of publication in the **Federal Register** unless we receive written adverse comments or written notice of intent to submit adverse comments within 30 days of the date of publication of this rule in the **Federal Register**.

Adverse comments are comments that suggest the rule should not be adopted or suggest the rule should be changed. If we receive written adverse comments or written notice of intent to submit adverse comments, we will publish a notice in the **Federal Register** withdrawing this rule before the effective date. We will then publish a proposed rule for public comment. Following the close of that comment period, the comments will be considered, and a final rule addressing the comments will be published.

As discussed above, if we receive no written adverse comments nor written notice of intent to submit adverse comments within 30 days of publication of this direct final rule, this direct final rule will become effective 60 days following its publication. We will publish a notice to this effect in the **Federal Register**, before the effective date of this direct final, confirming that

it is effective on the date indicated in this document.

Direct Final Action

List of Subjects in 7 CFR Part 800

For reasons set forth in the preamble, 7 CFR Part 800 is amended as follows:

PART 800—GENERAL REGULATIONS

1. The authority citation for Part 800 continues to read as follows:

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 et seq.)

2. Section 800.76(a) is revised as follows:

§ 800.76 Prohibited Services; restricted services.

(a) *Prohibited services.* No agency shall perform any inspection function or provide any inspection service on the basis of unofficial standards, procedures, factors, or criteria if the agency is designated or authorized to perform the service or provide the service on an official basis under the Act. No agency shall perform official and unofficial weighing on the same mode of conveyance at the same facility.

* * * * *

3. Section 800.186(c)(3) introductory text is revised to read as follows:

§ 800.186 Standards of conduct.

(c) * * *

(3) Excluding the unofficial weighing described in § 800.76(a) engage in any outside (unofficial) work or activity that:

* * * * *

4. Section 800.195(f)(5)(ii) is revised to read as follows:

§ 800.195 Delegations.

(f) * * *

(5) * * *

(ii) Unofficial activities. Excluding the unofficial weighing described in § 800.76(a) delegated State or personnel employed by the State shall not perform any unofficial service that is the same as any of the official services covered by the delegation.

* * * * *

6. Section 800.196(g)(6)(ii) is revised to read as follows:

§ 800.196 Designations.

(g) * * *

(6) * * *

(ii) Unofficial activities. Excluding the unofficial weighing described in § 800.76(a) the agency or personnel employed by the agency shall not perform any unofficial service that is the same as the official services covered by the designation.

* * * * *

Dated: July 25, 1995.

James R. Baker,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 95-18905 Filed 8-1-95; 8:45 am]

BILLING CODE 3410-EN-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-CE-09-AD; Amendment 39-9326; AD 95-16-06]

Airworthiness Directives; Jetstream Aircraft Limited HP137 Mk1 and Jetstream Series 200 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 83-05-01, which currently requires the following on Jetstream Aircraft Limited (JAL) HP137 Mk1 and Jetstream series 200 airplanes: repetitively inspecting the wing lower skin panels at the main gear bay cutouts for loose or damaged rivets and cracks, replacing loose or damaged rivets, and repairing any cracked wing lower skin panel. The Federal Aviation Administration's policy on commuter-class aircraft is to eliminate or, in certain instances, reduce the number of certain repetitive short-interval inspections when improved parts or modifications are available. The proposed action would require reinforcing the wing lower skin at both the landing gear cutouts at Wing Station (WS) 115 and the undercarriage bay cutouts at WS 60 and WS 90, as terminating action for the repetitive inspections that are currently required by AD 83-05-01. The actions specified in the proposed AD are intended to prevent wing damage caused by cracks or loose or damaged rivets in the wing lower skin panels, which, if not detected and corrected, could result in structural damage to the point of failure.

DATES: Effective September 26, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 26, 1995.

ADDRESSES: Service information that applies to this AD may be obtained from Jetstream Aircraft Limited, Manager, Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; telephone (44-292) 79888; facsimile (44-292) 79703; or Jetstream Aircraft Inc.,

Librarian, P.O. Box 16029, Dulles International Airport, Washington, D.C. 20041-6029; telephone (703) 406-1161; facsimile (703) 406-1469. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-09-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond A. Stoer, Program Officer, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium; telephone (322) 513.3830; facsimile (322) 230.6899; or Mr. Marvin R. Nuss, Project Officer, Small Airplane Directorate, Airplane Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64105; telephone (816) 426-6932; facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to JAL HP137 Mk1 and Jetstream series 200 airplanes was published in the **Federal Register** on March 2, 1995 (60 FR 11637). The action proposed to supersede AD 83-05-01 with a new AD that would (1) retain the requirements of repetitively inspecting the wing lower skin panels at the main gear bay cutouts for loose or damaged rivets and cracks, replacing loose or damaged rivets, and repairing any cracked wing lower skin panel; and (2) require reinforcing the wing lower skin (incorporation of Modifications Nos. 5221 and 5146) as terminating action for the repetitive inspections. The proposed inspection would be accomplished in accordance with Jetstream Service Bulletin (SB) No. 7/3, dated October 1980. Modification 5221 would be accomplished in accordance with Jetstream SB 57-JM5221, dated September 28, 1984, and Modification 5146 would be accomplished in accordance with Part 2 of Modification No. 5146 Ref 7/5146, dated October 1984.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor

editorial corrections. The FAA has determined that these minor corrections will not change the meaning of this AD and will not add any additional burden upon the public than was already proposed.

The FAA estimates that 10 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 332 work hours per airplane to accomplish the required modifications (172 work hours for Modification 5221 and 160 work hours for Modification 5146), and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$12,000 per airplane (\$2,400 for Modification 5221 and \$9,600 for Modification 5146). Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$319,200 (\$31,920 per airplane).

All 10 of the affected airplanes are HP137 Mk1 airplanes; there are no Jetstream series 200 airplanes registered in the United States, but they are type certificated for operation in the United States. According to FAA records, none of these HP137 Mk1 airplanes are in operation. JAL no longer stocks Modification No. 5221, but can develop modification kits within three months after order. Since there are no airplanes currently in operation, the cost impact of this AD is narrowed to only those owners/operators returning their airplane to operation.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 83-05-01, Amendment 39-4573, and adding a new AD to read as follows:

95-16-06. Jetstream Aircraft Limited:

Amendment 39-9326; Docket No. 95-CE-09-AD; Supersedes AD 83-05-01, Amendment 39-4573;

Applicability: HP137 Mk1 and Jetstream series 200 airplanes (all serial numbers), certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (d) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated after the effective date of this AD, unless already accomplished.

To prevent wing damage caused by cracks or loose or damaged rivets in the wing lower skin panels, which, if not detected and corrected, could result in structural damage to the point of failure, accomplish the following:

(a) Upon the accumulation of 6,500 hours time-in-service (TIS) or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, unless already accomplished (compliance with superseded AD 83-05-01), and thereafter at intervals not to exceed 100 hours TIS until the modifications required by paragraphs (b)(1) and (b)(2) of this AD are incorporated, accomplish the following:

(1) Inspect the wing lower skin between Wing Station (WS) 60 and WS 115 for loose or damaged rivets or cracks in accordance with section 3. ACTION, paragraphs (a)

through (e), of Jetstream Service Bulletin (SB) No. 7/3, dated October 1980.

(2) Replace any loose or damaged rivets and repair any cracked wing lower skin panel in accordance with section 3. ACTION, paragraphs (f) through (k), of Jetstream SB No. 7/3, dated October 1980.

(b) Upon the accumulation of 10,000 hours TIS or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, accomplish the following:

(1) Reinforce the wing lower skin at the landing gear bay cutouts at WS 115 in accordance with Jetstream SB 57-JM5221, dated September 28, 1984. This is referred to as Modification 5221.

(2) Reinforce the wing lower skin at undercarriage bay cutouts between WS 60 and WS 90 in accordance with Part 2 of Modification No. 5146 Ref. 7/5146, dated October 1984.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of compliance time that provides an equivalent level of safety, may be approved by the Manager, Brussels Aircraft Certification Office (ACO), Europe, Africa, Middle East office, FAA, c/o American Embassy, B-1000 Brussels, Belgium. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Brussels Aircraft Certification Office.

(e) The inspections and replacements required by this AD shall be done in accordance with Jetstream Service Bulletin No. 7/3, dated October 1980. The reinforcements required by this AD shall be done in accordance with Jetstream Service Bulletin 57-JM5221, dated September 28, 1984, or Modification No. 5146 Ref. 7/5146, dated October 1984, as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Jetstream Aircraft Limited, Manager, Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; telephone (44-292) 79888; facsimile (44-292) 79703; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, D.C. 20041-6029; telephone (703) 406-1161; facsimile (703) 406-1469. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., 7th Floor, suite 700, Washington, DC.

(f) This amendment (39-9326) supersedes AD 83-05-01, Amendment 39-4573.

(g) This amendment (39-9326) becomes effective on September 26, 1995.

Issued in Kansas City, Missouri, on July 24, 1995.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-18712 Filed 8-1-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 95-NM-123-AD; Amendment 39-9324; AD 95-16-05]

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD-11 series airplanes. This action requires an inspection to identify defective lower drag links on the nose landing gear (NLG), and replacement of defective drag links with new parts. This amendment is prompted by a report indicating that a potential failure condition of the lower drag link on the NLG could occur due to improper de-embrittlement treatment of the drag link during manufacturing. The actions specified in this AD are intended to prevent collapse of the NLG due to failure of the lower drag link as a result of improper de-embrittlement treatment of the drag link.

DATES: Effective August 17, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 17, 1995.

Comments for inclusion in the Rules Docket must be received on or before October 2, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-123-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles

Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Wahib Mina, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5324; fax (310) 627-5210.

SUPPLEMENTARY INFORMATION: The FAA received a report indicating that a potential failure condition exists relative to the lower drag link (assembly part number ACG7208-507 and detail part number ACG7208-17) of the nose landing gear (NLG) installed on McDonnell Douglas Model MD-11 series airplanes. This condition is the result of improper de-embrittlement treatment of a certain batch of drag links during manufacturing. The discrepant drag links are identifiable by serial number. Failure of the lower drag link on the NLG, if not corrected, could result in collapse of the NLG.

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD11-32A058, dated June 30, 1995, which describes procedures for a one-time visual inspection to identify defective lower drag links on the NLG, and replacement of defective drag links with new parts. The inspection involves identifying the serial number of the lower drag links. Replacement of any defective drag link found will minimize the possibility of failure of the lower drag link and subsequent collapse of the NLG.

Since an unsafe condition has been identified that is likely to exist or develop on other Model MD-11 series airplanes of the same type design, this AD is being issued to prevent collapse of the NLG due to failure of the lower drag link on the NLG.

This AD requires a one-time visual inspection to identify defective lower drag links on the NLG, and replacement of defective drag links with new parts. The actions are required to be accomplished in accordance with the alert service bulletin described previously.

This AD also requires that operators submit a report of inspection results to the FAA.

This AD requires that the inspection be accomplished within 120 days. A compliance time of 120 days is usually sufficient to provide for a brief period for public comment before the adoption of a final rule. In this AD, however, that compliance time was selected because